

Decision No. 76329

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of M. G. MARINELLI, doing business)
as M & L Trucking Company, for)
extension of authority to deviate)
from the minimum yearly tonnage)
requirement for the transportation)
of iron or steel castings moving)
within and between Alameda, Albany,)
Berkeley, Emeryville, Oakland.)

Application No. 51364
(Filed September 16, 1969)

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices)
of all common carriers, highway car-)
riers and city carriers, relating)
to the transportation of property)
in the City and County of San)
Francisco and the Counties of)
Alameda, Contra Costa, Lake, Marin,)
Mendocino, Monterey, Napa, San)
Benito, San Mateo, Santa Clara,)
Santa Cruz, Solano and Sonoma.)

Case No. 5441
Petition for Modification
No. 174
(Filed September 16, 1969)

OPINION AND ORDER

M. G. Marinelli (petitioner), doing business as M & L Trucking Company, is authorized as a highway common carrier to observe a yearly tonnage requirement of 750 tons, instead of the established minimum requirement of 1,500 tons per year prescribed in Item No. 810 of Minimum Rate Tariff No. 1-B, for the transportation of iron or steel castings between points in Alameda, Albany, Berkeley, Emeryville and Oakland.^{1/}

^{1/} Petitioner is a participating carrier in Pacific Motor Tariff Bureau, Inc., Local Freight Tariff No. 6-F, Cal. P.U.C. No. 5, of Leland C. Smith, Agent. The tariff provisions in question are published in Item No. 2040 of that tariff.

The current authority is scheduled to expire December 31, 1969. Petitioner now seeks an extension of his existing authority. In granting the minimum rate relief involved herein for only a period of about six months, the Commission, in Decision No. 75782 of June 10, 1969, made the following observation:

"The M & L Trucking Company's Balance Sheet and Income Statement, for year ending December 31, 1968, indicate that petitioner experienced an overall net operating loss of \$19,861.20. To what extent, if any, the current temporary minimum rate authority, which petitioner now seeks to have extended, either contributed to or, conversely, tended to alleviate petitioner's unfavorable 1968 results of operations is not disclosed."

In view of the above circumstances the Commission found that petitioner should be given further opportunity to demonstrate that it has and will experience profitable operating results under the rate proposal herein sought to be authorized for a further extended period of time. Petitioner has now made a study of the cost of transporting castings for the period June 16, 1969 to July 14, 1969. The results of such study are attached to the subject pleading as Appendix D thereto. The statement shows that the transportation of castings under the rate provisions in question is profitable.

The certificate of service shows that a copy of the verified application and petition was mailed to the California Trucking Association on September 15, 1969. The joint application and petition was listed on the Commission's Daily Calendar of September 17, 1969. No objection to the granting of the sought relief has been received.

A. 51364, C.5441 (Pet. 174) ds

The Commission finds that:

1. The transportation circumstances and conditions which justified the initial granting of the temporary authority involved have remained substantially unchanged.

2. The sought extension of time in which M. G. Marinelli, operating as a highway common carrier, may observe a lower yearly tonnage requirement of 750 tons to govern the rates named in Item 2040 of his tariff, in lieu of the minimum 1,500 tons per year prescribed in Item 810 of Minimum Rate Tariff No. 1-B, has been shown to be justified by transportation conditions.

3. A public hearing is not necessary.

The Commission concludes that Petition No. 174 should be granted; and Application No. 51364, which is not required, should be dismissed. Since the conditions surrounding the transportation involved may change, the sought authority will be granted for a period of one year.

IT IS ORDERED that:

1. M. G. Marinelli is hereby authorized to publish and file a minimum yearly tonnage requirement of 750 tons to govern the rates named in Item No. 2040 of his tariff as proposed in Case No. 5441 (Petition for Modification No. 174). The tariff provisions authorized herein shall be published to expire with December 31, 1970.

2. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than five days after the effective date hereof on not less than five days' notice to the Commission and to the public.

A.51364, C.5441 (Pet. 174) ds

3. M. G. Marinelli is hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code to the extent necessary to exercise the authority granted herein.

4. The authority granted in ordering paragraph 1 above shall, on and after December 31, 1969, supersede the authority granted by Decision No. 75782 of June 10, 1969, and shall expire with December 31, 1970.

5. Application No. 51364 is dismissed.

This order shall become effective December 26, 1969.

Dated at San Francisco, California, this 28th
day of OCTOBER, 1969.

William J. Quinn
President

[Signature]

[Signature]

Veron L. Stinson
Commissioners